



February 7, 2023

VIA ECF

Hon. Philip M. Halpern
United States District Judge
300 Quarropas Street
White Plains, NY 10601

Application requesting the Court to amend its minute entry is denied as unnecessary.

The excessive force claim for relief against Defendant Santiago that was inadvertently omitted during the February 2, 2023 pretrial conference is not waived, shall be reinstated, and shall be a part of Plaintiff's case.

The Clerk of Court is respectfully directed to terminate the motion sequence pending at Doc. 100.

SO ORDERED.

A handwritten signature in black ink, appearing to read "Philip M. Halpern".

Philip M. Halpern
United States District Judge

Dated: White Plains, New York
February 8, 2023

Re: Monroe v. Campbell, No. 20 Civ. 10944 (PMH)

Dear Judge Halpern:

I write on behalf of plaintiff Michael Monroe, whom I represent, to correct a mistake that I made at the pretrial conference held on February 2.

I had told the Court that Mr. Monroe is pursuing claims for excessive force against defendants Sean Campbell and Ian Kaye and for willful indifference to medical needs against defendant William Santiago, with defendant Town of Haverstraw liable under respondeat superior on the supplemental state law claim. I erred in omitting Mr. Monroe's other claim against Officer Santiago, for excessive force following Mr. Monroe's arrest and just before Officer Santiago transported Mr. Monroe to the Haverstraw police station for booking. Mr. Monroe intends to pursue this claim as well.

The excessive force claim against Officer Santiago is fully reflected in the filings that the Court was reviewing at the pretrial conference. I have exchanged emails with counsel for defendants about my error. They have "agree[d] that [I] misspoke and did not intend to waive that claim at the conference. Specifically, [they] also agree[d] that plaintiff still has that claim and that same should be included on the proposed verdict form."

I therefore ask that the Court amend its minute note of the conference to the extent necessary. I expect that the parties' further amended pretrial filings, which should reach the Court this week, will reflect that claim. I regret my error and the additional work that it has caused the Court.

Respectfully,

A handwritten signature in blue ink, appearing to read "Ira G. Greenberg".

Ira G. Greenberg

cc: All counsel (via ECF)